

Application No.: 09/581,004
Amendment dated: March 8, 2004
Reply to Office Action of: December 19, 2003

MTS-3200US

Remarks/Arguments:

Certified Copies of Priority Documents

This application is a U.S. National Phase Application of PCT International application PCT/JP99/05509.

In the Office Action Summary, the Examiner has not acknowledged receiving certified copies of the priority documents. In the Notice of Acceptance of Application dated August 10, 2000, by the USPTO as the Designated Office, the certified copies were listed as received. Applicants respectfully request that the Examiner also acknowledge receipt of such documents.

Section 102 Rejections

Applicants note that the Office has indicated that claims 1-36 are pending. Applicants note that in the Response filed on September 9, 2003, claims 1-40 were pending.

The indicated allowability of claims 1-36 has now been withdrawn in view of newly discovered references, namely, EP 1 179 958 (Nakagawa) and U.S. Patent No. 6,396,535 (Waters). Applicants respectfully submit that claims 1-36 and claims 37-40 are not subject to rejection in view of either one of the cited references for the following reasons.

The pending claims have been rejected in view of Nakagawa and Waters under 35 U.S.C. § 102(e). As noted by the Examiner, the prior art dates of these references are determined under 35 U.S.C. §102(e) prior to the amendment by the Americans Inventors Protection Act of 1999. As such, a reference may be used

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against this Application, only if the reference was filed in the US and it satisfies §371(c)(2) of being translated into English.

Nakagawa is a European Patent (EP) Application, in English, with a European filing date of April 17, 2000. This Nakagawa EP Application is based on a PCT Application, PCT/JP00/02474, which designates the US. The PCT Application was filed in Japan on April 17, 2000. Assuming that Nakagawa filed a U.S. patent application, it is unlikely that the U.S. patent application has a US filing date prior to April 17, 2000.

Applicants' invention, however, has two priority dates of October 8, 1998, and December 8, 1998. The October 8, 1998, priority is based on Japanese application H10-286,246. The December 8, 1998, priority is based on Japanese application H10-349,107.

Since Applicants' either priority date of October 8, 1998, or December 8, 1998, is earlier than the possible Nakagawa US filing date of April 17, 2000, Applicants request that the Examiner remove Nakagawa as a reference.

If the Examiner requires a certified translation of one of these priority documents, namely, H10-286,246 or H10-349,107, Applicants will provide such a certified translation.

The Waters reference has a US filing date of February 16, 1999. Since Applicants' either priority date precedes Waters' US filing date, Applicants request that Waters be removed as a reference.

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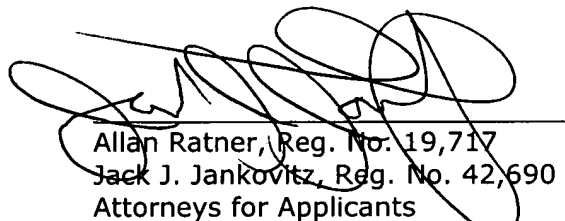
Information Disclosure Statement

A Supplemental Information Disclosure Statement (IDS) is being filed concurrently with this Response. Applicants respectfully request that the Examiner acknowledge the IDS.

Conclusion

Claims 1-40 are in condition for allowance.

Respectfully submitted,



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March 8, 2004 